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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/594,113

11/21/2006

Chihiro Hirose

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7041

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EXAMINER

TISSOT, ADAM D

ART UNIT

PAPER NUMBER

3663

NOTIFICATION DATE

DELIVERY MODE

03/23/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DocketingDept@young-thompson.com

<b>Office Action Summary</b>	<b>Application No.</b> 10/594,113	<b>Applicant(s)</b> HIROSE, CHIHIRO	
	<b>Examiner</b> ADAM TISSOT	<b>Art Unit</b> 3663	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2011.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 11, 15-18 and 22-25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 11, 15-18 and 22-25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

Applicant submitted a Reply to Office action on February 10, 2011. In the amendment therein, Applicant amended claims 11, 18 and 25. No claims were cancelled, nor were new claims added. The pending claims are considered herein.

### ***Response to Amendments/Arguments***

1. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 11, 15-18, and 22-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endo et al. (U.S. Patent 5,902,349) in view of Hoefer, et al. (U.S. Publication No. 2003/0158658), and in further view of Ishiguro (Japanese Patent Publication 2005-201726, and citing English translation of the detailed description, see attached).
4. Regarding claims 11, 18, and 25, Endo et al. disclose a navigation apparatus comprising a guiding unit configured to guide a route to a destination (guide route

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controller 21, col. 12, lines 4-19); a deviation judging unit (fig. 4, map matching controller 21) configured to judge whether a moving object has deviated from a guided route (NVP1, col. 12, lines 34-35) to a destination (fig. 4, map matching controller 21 sends off-route signal 22, col. 13, lines 51-54, fig. 9, step 2); a re-searching unit (fig. 4, guide route controller 23) configured to re-search a route to the destination when the deviation judging unit judges that the moving object has deviated from the guided route and in response to the route being re-searched, the guiding unit is configured to guide the re-searched route (fig. 9, step 6, col. 14, lines 16- 20); a distance calculating unit (fig. 4, guide route controller 23, col. 13, line 65 - col. 14, line 5) configured to calculate a first distance and a second distance (fig. 10, linear distances D1), the first distance being a distance from a deviated point to a (triangle Pc of fig. 10) to a first planned route point (figs. 5, 10, 11, & 22, Xs or dots for nodes). However, Endo do not specifically disclose the remaining limitations. Therefore, an additional teaching reference is necessary.

5. A teaching from Hoefer discloses the second distance being a linear distance from the deviated point to a second planned route point, when the deviation judging unit judges that the moving object has deviated from the guided route before passing the first planned route point (see paragraphs 0017-0019, Fig. 2, first distance is V1-V2 to P1/E, second distance is V1-V2 to P4, deviation point determined on V1-V2 vector, prior to passing E) and a route judging unit configured to judge that the first planned route point is not to be passed when a first distance history shows that the first distance is an increasing trend (see paragraphs 0017-0019, Fig. 2, first distance increases from V1-V2

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to P1 and a second distance decreases from V1-V2 to P4) and a second distance history shows that the second distance is a decreasing trend at the same time (see paragraphs 0017-0019, Fig. 2, a second distance decreases from V1-V2 to P4), the first distance history being formed of a plurality of the first distances calculated before the moving object reaches the first planned route point (between V1 and V2 prior to reaching P1/E), the second distance history being formed of a plurality of the second distances calculated before the moving object reaches the first planned route point (see paragraphs 0017-0019, between V1 and V2 prior to reaching P4), wherein the re-searching unit is configured to re-search a route passing the second planned route point without passing the first planned route point when the route judging unit judges that the first planned route point is not to be passed (see paragraphs 0017-0019, designates path to P4 without passing E). However, the combination of Endo and Hoever does not specifically disclose the remaining limitations. Therefore, an additional teaching reference is necessary.

6. A disclosure from Ishiguro teaches where the first planned route point and the second planned route point are set by a user (see paragraph 0034 of translation). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Endo to include a distance calculation and route comparison between multiple user input destinations of Hoever and Ishiguro to improve dynamic route and destination selection (see paragraph 0003 of Hoever). Claims 11, 18 and 25 are rejected as obvious.

7. With reference to claims 15 and 22, the combination of Endo, Hoever and Ishiguro disclose the claimed limitations. Specifically, Endo discloses a presenting unit (fig. 4, display 2, audio 7) configured to present, when the route judging unit judges that the planned route point is not to be passed, that the planned route point is not to be passed (figs. 10 & 11, presents route to the return point bypassing the nodes that it determines are not to be passed, col. 14, lines 16-24).

8. With reference to claims 16 and 23, the combination of Endo, Hoever and Ishiguro disclose the claimed limitations. Specifically, Endo discloses a presenting unit (fig. 4, display 2, audio 7) configured to present a content to confirm whether to pass the planned route point when the route judging unit judges that the planned route point is not to be passed (figs. 10 & 11, presents route to the return point bypassing the nodes that it determines are not to be passed, col. 14, lines 16-24; col. 15, lines 44-52); and an acquiring unit (fig. 4, controller 23 senses via GPS 4 and other sensors 5, 6, 20, 21, that user drove to the return point indicated by presentation display 2 or audio 7, or user input via remote control 7, col. 15, lines 52-63, figure 5, steps 4, 5, 7, 10) configured to acquire information indicative of an instruction in response to the confirmation, wherein the re-searching unit (fig. 4, controller, 23) configured to re-search a route based on the instruction (fig. 12, steps 7, 8, 10, col. 15, line 49 - col. 16, line 13).

9. With reference to claims 17 and 24, the combination of Endo, Hoever and Ishiguro disclose the claimed limitations. Specifically, Endo discloses the route judging unit is configured to judge that the planned route point is to be passed based on distance thresholds (distance D to the other nodes are threshold distances for

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determining if a node is to be passed, col. 14, lines 1-15 & 57-62, distance thresholds D3, col. 15, line 64 - col. 16, line 4; also see Hoever, paragraph 0016). It would have been obvious to use any distance as a threshold for calculating a route because distance thresholds are well known in the art.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ADAM TISSOT whose telephone number is (571)270-3439. The examiner can normally be reached on Monday - Friday from 8:30-5:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Keith can be reached on (571)272-6878. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JACK KEITH/

Supervisory Patent Examiner, Art Unit 3663